

Meeting of 2000-2-8 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
FEBRUARY 8, 2000 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:  
Presiding Bill Baker, City Manager John Vincent, City Attorney  
Brenda Smith, City Clerk

The meeting was called to order at 6:00 p.m. by Mayor Powell. Invocation was given by Pastor Ann Koopman, Emmanuel Lutheran Church, followed by the Pledge of Allegiance. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One  
Richard Williams, Ward Two  
Glenn Devine, Ward Three  
John Purcell, Ward Four  
Robert Shanklin, Ward Five  
Charles Beller, Ward Six  
Stanley Haywood, Ward Seven  
Randy Warren, Ward Eight

ABSENT: None.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JANUARY 25 AND SPECIAL MEETING OF FEBRUARY 1, 2000.

MOVED by Smith, SECOND by Devine, for approval of the minutes. AYE: \*Williams, Devine, Purcell, Shanklin, Haywood, Warren, Smith. NAY: None. OUT: Beller. MOTION CARRIED.

\*Williams abstained from voting on the February 1 minutes.

PRESENTATION OF REPORT FROM MUSEUM OF THE GREAT PLAINS

Report will be given at a later date.

AUDIENCE PARTICIPATION:

Clarence Williams, 1817 Jefferson, said he sold a parcel of property yesterday and the buyer and the City wanted it cleaned up. He said he had already obtained a remodeling permit but the buyer wanted it torn down so he requested that the demolition permit extend to the end of the time allowed under the remodeling permit.

Haywood asked the location of the property. Williams said 1506 and 1508 SW 4th Street. Haywood asked if Williams was working with Mr. Tucker. Williams said yes, Tucker was familiar with the property although Tucker had not been aware of the sale or demolition permit request because Williams just requested the demolition permit yesterday and sold the property today.

Mayor Powell asked if the request was to extend the demolition permit to the term of the remodeling permit. Williams said yes, but it will not be for six months and there is about three months left on the remodeling permit.

Dan Tucker, Code Administration Director, said Williams had been working with his department on this property for quite some time. He said the primary concern on a demolition permit initially is to get the sewer line capped, the water line capped and the electric removed from the property, and once that is done, Williams could continue to remodel it down to nothing if he wanted to and they would then just close it out at that time so it is not a problem to continue with the existing permit once the utilities are taken care of.

Devine asked Williams if he would be in charge of the demolition and seeing that it is torn down. Williams said yes. Devine said he would not have a problem with that as he has known Williams for many, many years and that he will do it if he says he will.

Purcell asked Tucker if this came in as a remodeling permit request or if it came in as a demolition and then turned into a

remodeling permit. Tucker said it had been demolished prior to Mr. Williams gaining ownership as far as the north house; Williams did not own the property when it was considered for demolition, and Williams had been working toward getting it fixed. Purcell asked if this was one the Council originally approved for demolition and then changed it to a building permit later. Tucker said he believed that was accurate.

Mayor Powell said staff would work with Mr. Williams and take care of the situation.

Mayor Powell asked the Planning Director to speak regarding Census 2000. Bob Bigham, City Planner, said the Census Department established an in-kind program service grant in the amount of \$2,499 and Lawton was awarded that in the full amount. Banners will be made and displayed throughout the community to encourage participation in the census. A committee meeting was held yesterday and that group will also apply for a \$2,499 grant to do a special mailing in the low response areas from the 1990 census. The committee will also meet in sub-committee groups to perform the tasks outlined in the Census 2000 Plan. Purcell said he was at a civic meeting today where Bigham gave a presentation on the importance of the census and it was a good presentation. Mayor Powell said Bigham and the committee have done a very good job and the National/Regional Director from Kansas City came in three weeks ago and they were impressed with the efforts being made locally.

Linda Dettbarn, 4905 NW Smith, said she was a member of the Kuntz Elementary PTA Board and that school is being closed. She said their group would like to help the children by making a donation to the Community Playground Project with the donation to be used toward a piece of equipment and to have Kuntz engraved on a plaque so it would be remembered in that way. Dettbarn said they had a \$300 donation to present. Mayor Powell asked Mark Glenn to come forward to receive the donation.

Mayor Powell recognized Councilman Devine's granddaughter, eight year old Loren who is in the second grade at Edison Elementary School, as being present at the Council table.

#### UNFINISHED BUSINESS:

1. Consider adopting an ordinance amending Chapter 20, Article 1, Section 20-1-101(A) regarding issuance of revocable permits for the limited use of public ways and easements. Exhibits: Ordinance No. 00-4.

Shanklin said Council had not had a revocable permit for some time that was workable. He said the language in the ordinance means the Council has the authority to grant a revocable permit as long as it does not impact the repairs, maintenance, installation or cost of public utilities and granting the permit will not have a detrimental effect on public health or safety as in the public interest. Shanklin said Council will have the authority to grant someone permission to build in his easement provided the easement does not have any of the utilities in it. He said in some of the right of ways, non-profit organizations could have some type of signage to indicate where they were located.

MOVED by Shanklin. SECOND by Smith, to approve Ordinance No. 00-4, waive reading of the ordinance, read the title only.

Purcell said the explanation Shanklin provided did not seem to exactly match the ordinance language. He said Shanklin indicated it could be done as long as there are no utilities in the easement but the ordinance does not say that. Purcell said he was concerned that someone may build a building on an easement over some utilities and the building may cost \$20,000, then something may break in the easement under the building and the owner would want compensation for the costs since the City granted the permit. He asked the City Attorney to answer as to the City's liability. Vincent said staff had discussed a process where a person would apply for a revocable permit and sign a release of liability at the time the permit is issued after Council approval. Vincent said the plan is that if there is a utility there, it would not be a permanent structure but a portable type structure, for example a utility building on skids that could be pulled out of the way; to be a permanent structure, it would have to create no detrimental impact on the maintenance of the utilities and Council would have to make that finding.

Smith asked if the release of liability would be filed at the county courthouse so it would be on record with that property. Vincent said that had been discussed, and the cost of the filing will have to be established when the filing fee is determined, and a resolution would be returned in that regard.

Williams said he did not have a problem with this as long as the owner understands that if utilities are put in, or if they are already there, and a portable structure is placed on the easement, that they would be responsible for the cost of moving it if that is required.

(Title read by Clerk) Ordinance No. 00-4

An ordinance relating to the use of public ways, amending Chapter 20, Article 1, Section 20-1-101(A) relating to the issuance of revocable permits.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

2. Consider entering into a professional services agreement to provide consultation and lobbying services to the City of Lawton before the Congress of the United States and its various agencies and authorize the Mayor and City Clerk to execute the agreement. Exhibits: City Attorney Memorandum Opinion 2000-01; Letter of proposed scope of services from

Duffy Wall and Associates; Consultant Agreement.

Vincent said after previous Council direction he visited with Mr. Reskovac who suggested the language in Paragraph Nine, and that is the only amendment from the prior agreement. He said this establishes a fee of not to exceed \$5,000, with two installment payments each year of \$2,500. Vincent said the duties and responsibilities did not change.

MOVED by Smith, SECOND by Haywood, to approve the agreement.

Purcell said he had no problem with the concept but that he had never seen a consulting contract written in this manner as far as reimbursement. He suggested the contract state that the City will pay the actual costs incurred in an amount not to exceed \$5,000. Purcell said he could not support giving someone a blank check for costs for \$5,000; they should send in receipts and invoices and receive payment up to \$5,000 but a blank check that they can spend as they see fit is not a prudent use of taxpayer dollars and he had never seen a contract written that way for reimbursement of costs.

SUBSTITUTE MOTION by Purcell, SECOND by Warren, to change Paragraph Nine to read that the City will pay for actual costs incurred in an amount not to exceed \$5,000, and in Paragraph Ten, delete the last sentence and make this contract for one year only.

Purcell said it takes five minutes for the City Attorney to bring it back to see if it should be extended.

Beller said Council talked about extending the contract with Geronimo for a longer period of time so we did not have to keep bringing it back, and Paragraph Ten of this contract would accomplish the same thing. He said if Council saw fit not to continue it, action could be taken if needed.

Purcell said this is different from the Geronimo contract and this contract commits the City to pay \$5,000 this year, and automatically, unless the firm is notified in writing by an appropriate time, we owe them up to \$5,000 the following year, and that is not a good idea. He said if someone forgets, the City would be committed to pay another \$5,000 for another year.

Beller said if the City wants to terminate the contract, it could follow that provision to terminate. He said there is a \$5,000 cap on the contract and by the time they send in receipts and we look at them and process them, it would be an expense in staff time so he would rather just go with the \$5,000 cap.

Williams said he agreed it should be done annually because the City may want to see what the performance has been, and it could be canceled or expanded as needed at that time, but some feed back is needed from the firm to indicate what they are using the money for. Beller asked if this would be a joint effort with the Chamber of Commerce. Smith said we are getting really nit picky on Paragraph Nine, and as far as the contract extension, he had no problem with the substitute motion, but did on the cost portion.

Mayor Powell said in answer to Beller's question, this firm does lobby for the Chamber of Commerce and receives a large fee from that, so that is one reason we are not talking about a very large fee and this is for expenses not to exceed \$5,000. He said in view of the cost of lobbyists, this is a very minimal amount and that he was as conservative as anyone with money and accountability for it, but this is a very, very small fee as far as lobbyists go, even on the state level, and this is on the national level where we will have an opportunity to receive something back from it.

Purcell said Beller and Smith both run businesses; he asked if either of them would give him a \$5,000 check and he would promise he would spend it on expenses to bring new customers into their businesses. He asked if they would write a check or a contract in that manner. Smith said he felt the contract covered the City.

Devine said if we pay this and the firm produces a good result, he would probably want to ask for more money for them to use if something can be gained from it. He said the cap is a good idea and the firm should be accountable for the expenses. Devine said it is a trial and error beginning and they should start out easy with it. Mayor Powell said the firm has already done good things for Fort Sill. Devine said he understood and would like to see it done as the substitute motion sets out.

Shanklin said he tried to get this done ten years ago, at a lot more money than this, and we buy different kinds of equipment for \$30,000 without flinching over the low bidder being spec'd out. He said he had no problem sending \$5,000 to this firm and they may not be interested in it otherwise. Shanklin said if we do not have any more faith in them than that, and we will spend \$60,000 on a restroom from the 1995 CIP, and he had no problem spending \$5,000 or answering any question from any constituent.

Mayor Powell said the substitute motion is that the firm will be reimbursed up to \$5,000 and paid on expenses only, which could be anywhere from \$1 to \$5,000, and asked if that is correct. Purcell said yes, although he assumed the City would not be billed \$1, and it would be actual cost. Mayor Powell said they requested \$5,000 in two \$2,500 payments. Purcell said the other part of the substitute motion is to strike the last sentence of Paragraph Ten and only do this contract for one year and bring it back next year.

VOTE ON SUBSTITUTE MOTION: AYE: Purcell, Warren, Williams, Devine. NAY: Shanklin, Beller, Haywood, Smith. TIE VOTE, MAYOR VOTED NO. SUBSTITUTE MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Shanklin, Beller, Haywood, Smith, Williams, Devine. NAY: Warren, Purcell. MOTION CARRIED.

#### BUSINESS ITEMS:

3. Hold a public hearing and adopt a resolution declaring the structure at 3416 NW Oak Avenue to be dilapidated and detrimental to the health and safety of the community. Exhibits: Resolution No. 00-\_\_\_\_.

Mayor Powell said after the last Council meeting the son of the former property owner came to see him. He said the young man had purchased the property, made repairs and hauled off debris from the inside, carpet and other things that had been burned out, and spent a lot of money on it. Mayor Powell said the young man purchased builder's risk insurance and had a deed showing that he purchased the property from his father. He said the son has put forth a tremendous amount of effort to remodel the structure. Mayor Powell said he had personally driven by and looked at it, although he had not been inside, but he felt the City should allow him to remodel in view of the work he has already done.

Williams asked if the roof had been repaired and if a permit is needed to repair the roof. Mayor Powell said to his knowledge the roof had not been repaired. Williams said the list shows electrical repairs, plumbing and paint, but there is a big hole in the roof. Beller said he went by there Sunday afternoon and could not understand why someone would not repair the roof first, but a considerable amount of work has been done. Beller said if it is not raining, maybe the hole is not that important.

Warren asked when this first came to Council. Dan Tucker, Code Administration Director, said January 1998; it was involved in a fire in November 1996. The owner, at the time of the fire, was stationed overseas and the property was up for sale. Council struck it from condemnation and did not give a time for it to be repaired. Troy Gilley purchased the property in 1998 and attempted to secure it and has kept it mowed and obtained a permit in June 1999. In December 1999, Darrell Gilley purchased the property and began stripping the interior of the sheet rock and carpet; a large dumpster was placed in front to contain the debris and when he got to the point that he had the building cleaned out enough to proceed with the repair and remodel, he applied for a remodel permit. This was on the January 25 Council agenda asking for guidance as to whether it should be brought back for condemnation or if a remodel permit should be issued because they had received inquiries about how long it would sit there vacant and burned out. Darrell Gilley has installed doors and a permit was not needed for that. Mr. Gilley is unable to attend tonight as he is at work. Tucker said this house is in good shape compared to others that have been brought before the Council. He said Darrell Gilley had assured him that he had the ability to complete the repairs within six months and he felt his intentions were good.

Purcell said this is a nice house in a nice neighborhood. He said Council goes through this process repeatedly and the house usually gets sold right before Council is going to consider condemnation and Council does not want to penalize a new owner. Purcell said a policy on condemnation is needed to avoid wasting time going through the condemnation process when Council does not carry through with the condemnation.

Warren said he agreed with Purcell's comments and the only buildings that have actually been demolished were ones where the owner was deceased or in jail or something of that nature where there was no chance someone would come forward to push the problem off. He said this one is a little different but it has been going on a long time and it seems to be old business, new business and perpetual business, and this could fall under perpetual business because it comes up over and over again, so some solution should be sought.

Mayor Powell disagreed with Warren. He said on S 6th, the owner did a beautiful job on those little houses. He said on S 14th Street, the owner had a heart attack and his neighbors helped him and they have done a good job. Warren said for every one that has been rehabilitated, there are 20 that have not been. Mayor Powell said a little bit of kindness and sympathy is good and people then make progress. Warren said the man who sold this man the house bought the house in exactly the condition that he sold it in so it sat in that condition for three years. Mayor Powell asked if there had been three owners since 1996 and Tucker said yes. Warren said the man told Council two years ago that he was ready and fully capable of getting this repaired and it has been two years and it is no better than it was then.

Smith said he agreed to a point but exceptions must be made. He said this is a very viable and stable neighborhood, and the man who purchased it from his father is making an effort. He said a policy change is needed. Beller said this property is an exception and if they would fix the roof, it would be acceptable and we need to tell him to fix the roof.

Shanklin said we thought we had an ordinance one time but it just deteriorated and we worked on it for a year. He said on November 1 the state statutes were amended to provide two more reasons that cities can force properties to be demolished. Shanklin said if a property has been secured for three years, it can be made to be demolished; the other is if the property is not secured and you secure it, they have one year and then they come on that same list. He said the State Legislature has provided two tools that we did not have until that time. Tucker said that was correct; on the securing, if it is found abandoned, vacant and unsecured three times in a 12 month period, it is a nuisance and we have the ability to bring it back to Council for consideration, or if it has been uninhabitable for whatever reason and secured, then after 38 months, it is then a nuisance and can be brought to Council to be considered. Purcell said there are plenty of tools in place and the Council disregards them and fails to require condemnation so the same houses are returned over and over again.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Smith, SECOND by Haywood, that we do not adopt the resolution for condemnation.

Baker asked if that inferred staff should issue a remodeling permit which will be good for six months. Smith said that was his intent. Purcell said what happens in six months when it is still not done and Shanklin said we deal with it when it gets here and that not everyone can see six months ahead of time.

VOTE ON MOTION: AYE: Beller, Haywood, Smith, Williams, Purcell, Shanklin. NAY: Warren. ABSTAIN: Devine. MOTION CARRIED.

4. Hold a public hearing to consider a revision to the Citizen Participation Plan for Housing and Community Development, receive comments from local citizens, and approve the revised plan. Exhibits: None. (Plan is on file in City Clerk's Office)

Tom Aplin, Housing and Community Development Department, said this revision includes the new City Planning Commission in the review process and a public hearing is required whenever there is a change in the citizen participation plan.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Beller, SECOND by Smith, for approval of the citizen participation plan for Housing and Community Development. AYE: Haywood, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. OUT: Warren. MOTION CARRIED.

5. Consider approving a cooperative purchase agreement between the City and the Great Plains American Business Club (AMBUCS) for the Community Playground Project (Kid's Zone) at Greer Park. Exhibits: Cooperative Purchase Agreement.

Gary Salva, Parks & Recreation Director, said the community playground committee is continuing to raise funds and they are fast approaching their goal to purchase the materials necessary to build the Kid's Zone. He said the proposal is that the City enter into a cooperative purchase agreement with the Great Plains American Business Club (AMBUCS) on behalf of the community playground, which will give them the documentation to be exempt from paying sales tax on the materials, approximately \$150,000 to \$200,000 in materials that are needed to build the playground. Salva said the material will be purchased in the near future but delivered shortly before the construction date in October, and the City would be responsible for the material on the site prior to construction. He said representatives are present to answer questions and staff recommendation was for approval of the agreement.

Smith said he was extremely proud that the AMBUCS Club he belongs to had spearheaded this project, along with Mark Glenn, and he commended that effort.

MOVED by Devine, SECOND by Purcell, to enter into this contract as recommended. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

6. Consider designating funds from the 95 Capital Improvements Program (CIP) to construct a restroom at Greer Park. Exhibits: None.

Devine said he requested the item. He said it was originally stated that there would be \$30,000 that could be used to build a restroom at 38th and Meadowbrook for the Kid's Zone. Devine suggested that \$60,000 of CIP funding be used for the restroom, and said it may not cost that much with donations, but it will not be a concrete block building and would instead be a nicer building that would fit in with the park. He said this is an excellent opportunity for the City to play a part in improving this park. Devine said he felt people would donate time to do the work themselves and that his firm would donate the plumbing work for the water and sewer mains and others could donate labor for other areas.

Smith said this will be a great park and if we build a cinder block toilet, it will detract from the park, so he recommended going with Devine's suggestion.

Purcell asked if any funds remained in the 1990 CIP and if so, it should be cleared out and used. Baker said he thought it was gone. Purcell said this would be an opportunity to use any remaining funds from that source.

Shanklin asked where the \$30,000 was included in the budget. Baker said it was in the park improvement fund and that he and Salva had talked about using that funding in conjunction with CIP funding, but we really do not know for sure how much the bathroom will cost until it is designed and put out for bids. Shanklin asked the current balance in the park improvement fund. Salva said he thought it was between \$90,000 and \$100,000 to be used for park acquisition. Shanklin asked if this was Fund 35. Baker said no.

MOVED by Smith, SECOND by Devine, to designate \$60,000 from the 1995 CIP to be used to construct a restroom at Greer Park.

Warren asked if it would be acceptable to include 1990 CIP funding so if there are funds remaining that it could be used. Mayor Powell asked if it should state up to \$60,000 because Devine said it could possibly be done cheaper than this. Devine said people might donate items or labor so it might be cheaper but he did not know for sure.

Smith restated his motion as follows: to designate up to \$60,000 from the 1990, if any is left, and the 1995 CIP, to be used to construct a restroom at Greer Park. Devine seconded the motion as restated.

Baker said Parks & Recreation had advised him that they would not have the staff or resources to build this restroom, and if we get volunteers, we will be happy to do our part, but if we take our employees from their other duties and put them on this project, they will be far behind. He said if we do get volunteers, we will do our part and help. Shanklin asked which part of the staff would be capable of doing this and Baker said Building Maintenance.

VOTE ON MOTION: AYE: Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

7. Consider adopting an ordinance amending Article 3, Chapter 19, Lawton City Code, 1995, relating to fishing. Exhibits: Ordinance No. 00-5.

Jerry Ihler, Public Works Director, said the ordinance states that no more than one small mouth bass per day, 23" in length or over, may be removed by any person from the lake. The change is in the period of time that the ordinance is applied; it has been renewed each year and this revision will make it a permanent ordinance at the request of wildlife officials and fishermen.

MOVED by Purcell, SECOND by Haywood, for approval of Ordinance No. 00-5, waive the reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 00-5

An ordinance relating to recreation, amending Section 19-307, Chapter 19, Lawton City Code, 1995, as amended, modifying limit on small mouth bass; and providing for severability.

VOTE ON MOTION: AYE: Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

8. Consider adopting an ordinance authorizing the seasonal rental of campground spaces at Robinson's Landing. Exhibits: Ordinance No. 00-6.

Ihler said the Water Authority approved the concept of the City operating the RV campsites, dry storage spaces and wet boat slips at Robinson's Landing. The revisions proposed in the ordinance allow for operation on a seasonal basis.

MOVED by Haywood, SECOND by Smith, to adopt Ordinance No. 00-6, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 00-6

An ordinance relating to recreation, amending Section 19-111, Chapter 19, Lawton City Code, 1995, as amended, to authorize the seasonal rental of campground spaces at Robinson's Landing, providing for severability and an effective date.

VOTE ON MOTION: AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

9. Consider accepting the annual audit report of the City of Lawton for the year ending June 30, 1999. Exhibits: Responses to internal control and compliance report. (Audit report distributed separately)

Steve Livingston, Finance Director, said the auditors have completed the annual audit and the agenda item includes the appropriate responses to the management letter.

Shanklin said a recommendation of the auditors was to purchase a new modular accounting, payroll, billing, inventory control and human resources package. Livingston said the accounting system is really pretty old, and the data processing organization has kept it operating for a number of years; this is the only accounting system Lawton has had in the last 27 years, and it was put in during 1975, to include the utility billing system. Livingston said he had talked with the City Manager about looking at different systems and software programs that will give good audit trails and better reports. Livingston said at the end of the year we must do a totally manual closing of the systems and do some things to make the programs work, the check writing programs will be transferred and use one bank account, and there are accounting systems available that can write checks out of each fund and we have to balance the funds.

Shanklin asked what kind of cost was involved. Livingston said they can be very expensive; an overall program can be done through a lease purchase that could cost \$300,000 to \$400,000. Shanklin asked what was being recommended. Livingston said the auditors do not recommend a system or change but only state that you are not getting it done and you are having trouble; we are saying that we think we would benefit from a system like this and should certainly start looking at it, although maybe not this year but we need to start looking at a more modern, modular system that would give a windows based program that would be easier for people to use and allow access to information. Livingston said Council members ask for reports and we cannot extract information from the files or data base to produce the report, and data processing has to help with it, but we cannot do it otherwise.

Shanklin asked what you buy for \$300,000 as far as computers. Livingston said he would be looking for a full payroll system, full general ledger system, full utility billing system, human resources package, and all would be modular and interact. Livingston said he would like to see the whole purchasing system be paperless where all the requisitions going through would be passed between departments electronically, and we are a little behind in that respect; divisions should be able to keep track of the timesheets electronically. Livingston said the divisions type up requisitions and we pass them around then we type them up and input data and when we get ready to pay them, we do it again and submit them.

Shanklin said it shows that steps will be taken to insure a higher degree of accuracy on both audit and the budget. He asked how that would be done without a system. Livingston said we are just going to try and that is all you can do. Shanklin asked if it would involve requesting more personnel. Livingston said that may be something that we have to look at and that he had received requests from his supervisors for more personnel and that he had not seriously looked at it.

Devine asked if the system would be less time consuming for current employees. Livingston said it would help with some of the problems on inputting data and make it more timely; it is not to eliminate anyone but Shanklin is accurate in that we are seeing the need to do something and it may be people and at this time, with electronics and computers and software programs, we need to look at the software end before we start adding people.

Purcell said the staff should be congratulated on the audit; there were no material deficiencies. He said if the auditors did not make some comment, we would not think we got our money's worth from it. Purcell said we need to bring the accounting system into the 21st century and whatever it takes, we have to get it done and need to start next year. He said you can buy items off the shelf that do a wonderful job and we should get started on the software. Baker said he agreed we need to enhance the Finance Department's computer capability. He said Livingston had already given him a proposal that was discussed briefly and it will be in the budget request when the department budget is reviewed, and if possible, something will be included in the preliminary budget to start to address these problems.

MOVED by Purcell, SECOND by Devine, to accept the auditor's report. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

Addendum 1: Consider approval of Letter of Agreement setting in place the conditions and procedures the City of Lawton Fire Department Aircraft Rescue and Firefighting personnel respond to during airport/aircraft emergency operations. Exhibits: Letter of Agreement.

Don Barrington, Fire Chief, said this is for an agreement with the Lawton-Fort Sill Regional Airport and the Control Tower. He said it is an existing document in the emergency operations plan at the airport. Barrington said the Airport Manager is revising the plan and to make it current, we need to update the letter of agreement.

MOVED by Haywood, SECOND by Smith, to approve the letter of agreement. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine, Purcell. NAY: None. MOTION CARRIED.

#### CONSENT AGENDA:

10. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Michael and Tammy Bride; and Betty J. Gray. Exhibits: Legal Opinions/Recommendations. (Resolution No. 00-23 on file in City Clerk's Office) Gray - \$45.00

(Title only) Resolution No. 00-23

A resolution authorizing and directing the City Attorney to assist Michael and Tammy Bride in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the reduced amount of One Thousand One Hundred Fifteen and 07/100 Dollars (\$1,115.07).

11. Consider a resolution authorizing the installation of traffic control devices at specified locations. Exhibits: Resolution No. 00-24; Draft Traffic Commission Minutes Excerpt of 1/20/00.

(Title only) Resolution No. 00-24

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma. Action: 1) Install "Children at Play" signs to serve the park at NE Euclid Avenue and 48th Street; 2) Install "Stop for Loading Buses" sign on the south side of the 900 block of SW "C" Avenue; 3) Install "Stop" signs at the intersection of NW Homestead Drive and Tomlin Circle stopping east/west Tomlin Circle.

12. Consider request for the installation of traffic control at the specified location. Exhibits: Draft Traffic Commission Minutes Excerpt of 1/20/00. Action: Denial of requests.

13. Consider adopting a street light resolution to authorize installation of an additional street light. Exhibits: Street Light Resolution No. 412. Action: Approval of installing light in Gore median just east of 11th Street; sign will be retired when "Kid Zone" project sign is removed.

14. Consider approval of a resolution revising and amending the fee schedule for use of camping and other facilities at Robinson's Landing. Exhibits: Resolution No. 00-25.

(Title only) Resolution No. 00-25

A resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, amending the fees for overnight camping and establishing fees for long term camping and providing an effective date.

15. Consider ratifying the action of the Lawton Water Authority in approving the U.S. Fish and Wildlife Service Region 2 (FWS) use of a prescribed burn on the City property located on the west side of Lake Lawtonka, and authorize the Mayor and the City Clerk to sign the agreement with the FWS. Exhibits: Memorandum of Understanding. Action: Ratify LWA approval of item.

16. Consider a resolution directing the City Manager to submit an EPA Brownfields Assessment Demonstration Pilot Grant on behalf of the City of Lawton. Exhibits: Resolution No. 00-26.

(Title only) Resolution No. 00-26

A resolution directing the City Manager to make application for an Environmental Protection Agency Brownfields Assessment Demonstration Pilot Grant on behalf of the City of Lawton, Oklahoma.

17. Consider adopting a resolution determining that the loan to Raymond G. Schmidt and Sherrill V. Schmidt (Borrower) D/B/A Schlotzsky's Restaurant, Lawton Franchise, from the Community Development Revolving Loan Fund is uncollectible and authorize removal of same from the reported assets of the CDBG Revolving Loan Fund and from the City of Lawton Contract Monitoring System. Exhibits: Resolution No. 00-27.

(Title only) Resolution No. 00-27

A resolution determining the delinquent Community Development Small Business Loan made to Raymond G. Schmidt and Sherrill V. Schmidt d/b/a Schlotzsky's Restaurant, Lawton Franchise, is uncollectible and authorizing removal of the loan from the reported assets of the Community Development Small Business Revolving Loan Fund and from the City of Lawton Contract Monitoring System.

18. Consider an amendment to a contract between the City of Lawton and Clint L. and Natalina Fipps of 1712 SW 12th Street, Lawton, Oklahoma, allowing subordination of the City's mortgage against their property. Exhibits: None. Action: Approve the request to subordinate the City's lien, and approve the Amendment to the mortgage between the City of Lawton and Mr. Clint L. and Natalina Fipps to permit the attachment of a second lien in an amount not to exceed \$32,732.00.

19. Consider approving a Release of Mortgage on a residential property belonging to Archie Wayne Robinson and Patricia Ann Robinson of 1309 SW 10th Street, Lawton, Oklahoma, and authorize execution of the Release of Mortgage. Exhibits: None. Action: Approval of item.

20. Consider approving Releases of Lien on two residential properties belonging to James Earl Alvey and Jean Alvey, along with other individual residences belonging to Paul M. and Leota F. Hayes, Melvin J. Ishmael, Charlie B. and Doris L. Benson, Virginia P. Scherler and John G.W. Scherler, all of Lawton, and authorize execution of the Releases of Lien. Exhibits: None. Action: Approval of item.

21. Consider approving a six-month Interlocal Agreement between the City of Lawton and the State of Oklahoma Office of Juvenile Affairs for the continued operation and management of a Community Intervention Center in Lawton, and authorize execution of the Interlocal Agreement. Exhibits: Interlocal Agreement. Action: Approval of item.

22. Consider accepting Lawton Public Library Lighting Project #99-24 as constructed by Thaxton Electric Company and placing the Maintenance Bond into effect. Exhibits: None. Action: Approval of item.

23. Consider accepting Highland Cemetery Fence Project #99-23 as constructed by Karn's Construction, L.L.C. and placing the Maintenance Bond into effect. Exhibits: Map. Action: Approval of item.

24. Consider acknowledging receipt of permits from the Oklahoma State Department of Environmental Quality for the construction of sanitary sewer and waterlines with appurtenances to serve the MacArthur Park Addition, Part 7. Exhibits: None. Action: Acknowledge receipt of permits. Background: On 1/6/00 the City was granted Permit #SL000016000013 from ODEQ for construction of 1,600 lf of 8" PVC sewerline with eight manholes and appurtenances; and Permit #WL000016000011 for construction of 300 lf of 6" and 810 lf of 8" PVC water lines with four fire hydrants and appurtenances to serve MacArthur Park Addition, Part 7. Permit must be noted in Council minutes.

25. Consider acknowledging receipt of permit from the Oklahoma State Department of Environmental Quality for the construction of waterlines with appurtenances to serve the Dean Auto Center. Exhibits: None. Action: Acknowledge receipt of permit. Background: On 1/7/00 the City was granted Permit #WL000016000012 from ODEQ for construction of 95 lf of 8" HDPE and 98 lf of 8" PVC water lines and appurtenances to serve the Dean Auto Center. Permit must be noted in Council minutes.

ITEM 26 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

27. Consider accepting a Permanent Utility Easement in Lot 1 of Section 4, Township One North, Range Twelve West donated by Mattie Boyles for an existing 24" waterline. Exhibits: Easement. Action: Accept easement donation; condition of



easement is that the City agrees to replace any paving or landscaping located on the above described parcel that is disturbed as a result of any maintenance, repair or replacement of the existing water line.

28. Consider ratifying the action of the Lawton Urban Renewal Authority on the sale of property located at 2005 SW Jefferson Avenue. Exhibits: Draft LURA Minutes; Map. Action: Approval of item.

29. Consider entering into a contract with Mr. and Mrs. Isaac J. Furrh for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. Action: Approval of item.

30. Consider approving the following contract extensions: A) Collection of Overdue Utility Bills with Lawton Retail Merchants Assn.; B) Jail Food & Supplies with Wilson Wholesale Company, Inc.; C) Refuse Containers with Wastequip Teem; D) Rock Hauling with Lawton Transit Mix, Inc. Exhibits: None. Action: Approval of item.

ITEM 31 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

32. Consider approval of appointments to boards and commissions. Exhibits: Memorandum.

Human Rights & Relations Commission: SSG Arnie Kamer, Rep. Native American, Term: 2/8/00 to 9/30/01

33. Consider approval of payroll for the period of February 7 through 20, 2000. Exhibits: None.

Shanklin asked for separate consideration of Items 26 and 31.

MOVED by Smith, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of Items 26 and 31. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

26. Consider approving plans and specifications for the Landfill Cells 2-3 Project #2000-8, and authorizing staff to advertise for bids. Exhibits: Map.

Shanklin said this item is to approve plans and specifications and he thought we had not selected the engineer yet. Ihler said this is for the actual construction of cells two and three; staff designed the construction in-house and will go out for construction bids next week. Ihler said the Engineer Selection Committee is looking at engineering proposals regarding future landfill space across the way.

Shanklin said he did not understand. Ihler said this is to approve plans and specifications for construction of cells two and three; we are only permitted to put trash in cell one but need to construct cells two and three by placing the geosynthetic liner and clay material to keep contamination from getting into the soil and water sources. Shanklin asked if this is for the liner and Ihler said yes. Shanklin said he had looked at the Engineer Selection information and liners are involved in that. Ihler said yes, that is for beyond cells two and three and could include the south side of Tinney Road for the future use. Shanklin asked who was the engineer for this project. Ihler said staff did this design in-house by taking the plans we received from cell one that was performed by a design consultant and modified them and did the design in-house for cells two and three.

Shanklin asked which one is cell one. Ihler said it is the cell we are putting trash in right now. Shanklin asked if it is mount trash more. Ihler said it is below the mound; the elevated part is the old area outside of the Subtitle D area and it is basically closed unless approval of a vertical expansion is received.

MOVED by Shanklin, SECOND by Smith, to approve plans and specifications for the Landfill Cells 2-3 Project #2000-8, and authorizing staff to advertise for bids. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

31. Consider awarding contract for a Voice Recording System. Exhibits: Recommendation; Abstract.

Shanklin asked if this is where a citizen calls a number and gets assorted instructions as to which button to push on the telephone. He said it is impossible for a citizen to be able to get in touch with anyone.

Cindy Price, Acting Information Services Director, said this monitors the radio and telephone systems and replaces the current Dictaphone System as far as the recorder in the Communications Center.

Shanklin asked if changes were planned to have someone answer the phone when someone calls in. He said citizens do not like that machine. Baker said he would talk with Mr. Wells about it and bring back some information.

MOVED by Shanklin, SECOND by Haywood, for approval of Item 31 to award the contract to CVDS, Inc., of Point-Claire, Quebec, Canada. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Vincent said that he, Purcell, and other staff members had been attending hearings on proposed state legislation. He said Bigham appeared at a hearing with regard to a planning commission bill Lawton was sponsoring through Representative Kirby; that bill passed out of committee today and will be heard by the legislature. Vincent said he and Purcell appeared last week regarding the downstream issues bill, and the fire and police arbitration act bill; these are still in preliminary hearings and dates have not been provided on the full committee hearing.

Vincent said he attended a subcommittee hearing on rural water associations, and another hearing will be held Thursday of the OML Task Force and rural water association task force attempting to reach a compromise.

Beller said the Water Authority discussed the lake levels and asked if the downstream legislation would have an impact. He said he and Shanklin had discussed the 1.7 feet of water. Shanklin said he planned to discuss it. Vincent said he took a copy of the report from CH2M Hill to Mr. Kirby and he advised that it was not appropriate to pass that out at this time but he would present it to the full committee at the appropriate time.

Shanklin said the vote was seven to one at the Water Authority, that he voted no and was upset about it. He said 1.7 feet is equivalent to two billion gallons of water that will not be in the lake and that he had consulted three engineers. He said if two billion gallons is minuscule then he did not know what big is; that is equivalent to 100 days of water supply. At the time that we are using Lake Lawtonka for the recreational activity that we intend for it to be used for, that means that we will start pumping that much earlier from Lake Ellsworth to Lake Lawtonka. He said Lake Lawtonka has 93 square miles of drainage, and East Cache Creek has around 250, and that East Cache Creek was, in his mind, what flooded Walters. He asked why we selected Lawtonka instead of Ellsworth, and said he could assure that we would be challenged on it. Shanklin said if what we are trying to do is to promote the Southeast Water Treatment Plant by dumping out two billion gallons of water, 100 days' supply, calling that minuscule, in order to fast track a Southeast Water Treatment Plant, he thought that was wrong. Last year we sold \$750,000 worth of outside water and there may be another \$750,000. If you are going to build a 30 million gallon plant to sell a million gallons of water, you will have a hard sell, and if that is what we are doing, the Council should take another look at this and bring the engineers back.

Shanklin said the engineers gave us a probable maximum flood, which is 28 inches in 72 hours, and that is a 1,000 year flood and they picked it up out of the air; there is no rhyme or reason for the pmf for that 75%, and why 75% at Lawtonka and not 75% for Ellsworth when that dam was built in 1962 or 1963. He said these are some hard questions, and it may be in the paper, and that he would support the water treatment plant when we could sell it and at least sell more water than it takes to operate the plant; right now, they cannot do that. Shanklin said he knew some thought we just had to have another plant because what if it blows up or something happens out there, and he was very disturbed over it. He said he was glad to see Ihler and it would tickle him to death for him to rip into anything he said.

Jerry Ihler, Public Works Director, said with regard to the 1.7 feet, what CH2M Hill said was that it is about 3,800 acre feet of water with regard to what they identified in the report, and that equates somewhere in the neighborhood of about 3.3 million gallons per day on a daily usage over a period of a year; it equates to about 3.3 million gallons per day. Ihler said with regard to the elevation of the lake being dropped by that amount at Lake Lawtonka, the 75% probable maximum flood requirement, the ability to be able to pass the 75% of the probable maximum flood, that is an OWRB requirement, and as they went through this process and analyzed the existing and compared it to some of the proposed, actually under our existing current operation we discovered that we were not passing or would not be able to pass 75% of the probable maximum flood today if it occurred under the current operations.

Shanklin said tell us what the probable maximum flood is. Ihler said he did not know the actual amount of rainfall it is, but it is equivalent basically to the 500 year storm. Shanklin said he was told it was 1000 year. Ihler said he would have to go back and verify but thought it was the 500 year storm, but the 100 year storm for this area over a 24 hour period equates to eight inches of rainfall. Shanklin said staff, Ihler and everyone out there tells him that we have never had a 100 year flood in Lawton. Ihler said he disagreed and believed in 1983 on the East Cache Creek basin that we did have a 100 year, also back in about 1986, we have had around three in the last 15-18 years since 1983, but basically the requirement of the 1.7 feet down, and that is down from six inches down, but that requirement is an OWRB requirement with regard to dam safety. Shanklin said we chose Lawtonka and we do not know that they would not accept it for Ellsworth either, do we. Ihler said operating the gate under the existing conditions, we already keep the elevation at Ellsworth down 2.5 feet during a period of the year, so the elevation of Ellsworth being down 2.5 feet from the top of the gates allows us to pass that 75% of what would be the probable maximum flood.

Shanklin asked Ihler if he agreed that 325,000 gallons are in an acre foot of water. Ihler said 3800 acre feet; that equates to about 3.39 million gallons a day. Shanklin told Ihler his figures were not right and one of the engineers was not right and he did not know which one. Shanklin said 325,000 gallons per one acre times ten is 3,250,000, times ten is 32 million; 100 acre feet of water is 32 million gallons and you divide the 100 into the 36, 36 times that. Ihler said he would not debate it here and would have to go back and check the numbers.

Shanklin said on the monitor, what bothered him about the monitor and the man said he guessed we would just ignore it, the monitoring system that was installed. He said the Corps of Engineer funded some money and he thought the City funded some. Ihler said we pay a certain amount every year with regard to a gauge down in the Walters area that we use with the USGS, so yes there is a monitoring system in place and we use it. Shanklin said we are going to ignore that and make a visual look as to when we are going to raise those gates and he said that right there; they will look down in that water and see it coming in and may decide to raise the middle gate 14 inches. Ihler said the recommendation is to operate the gates based on the elevation of the lake; what we use the monitoring system for is basically to monitor the elevation of the creek, how much water is passing through the creeks and the stream bed downstream, and as we begin the draw down

period, there are certain times of the year that we need to have the lake, as we go into the rainy season at Ellsworth and Lawtonka we lower the lake elevation such that when we do get rainy seasons we have more storage available so that we do not have to release as much.

Shanklin said these people ignored the monitoring system and he asked that point blank, and we would make a visual look, look right down at the dam and see the elevation of it and then start raising the gates; we will not care whether it rained six or seven inches eight miles north of us in one of the tributaries and we will be able to tell here at this gate. Shanklin said he thought we were going backwards and it scared him.

Baker said he had asked Mr. Ihler to give him a report to provide Council some additional information and that was because of some of the concerns that had been expressed to him. He said he would forward the report when it is received; we will look at how much water we are talking about and we get into all of these numbers that we are discussing, and if Council or a member of Council wants to bring that back to the Council for consideration, we will get the consulting engineer back and let you look at this matter again. Baker said obviously we want to maximize our water storage, at the same time comply with all of the Oklahoma Water Resources Board guidelines and we want to minimize any impact downstream also, but we do have a real concern to maximize our water storage, we do not want to waste the citizens' water, we do not want to send it downstream and not use it beneficially. He said as soon as Ihler provides the report, it will be distributed to the Mayor and Council, and if anyone wants to put this back on the agenda, we can certainly do that and we will have the appropriate people to answer any questions.

Purcell said he had one question that he would like to see answered in the report. He said he could not tell acre feet from acres from whatever, but he heard that if we lowered the lake by 1.7 feet, we would lose 15 days' water supply and he heard another number after the meeting of 30 days and then tonight it is 100 days. He said his specific question is if we lower the lake 1.7 feet, how many days' water supply is that; he wanted to see that in the report.

Baker said he had asked Ihler to go back the last two or three years and looked at the daily elevations of Lake Lawtonka; he wanted to know how many days it was already at 1.7 or lower because then you would be able to see the impact because over the last three years he felt there would be many, many days that the lake was already below 1.7, so to see the net impact of how much water you will really lose, you have to consider that factor also.

Ihler said he had completed that portion of the request and approximately 57-58% of the time, the lake level in the past six years was below that elevation.

Mayor Powell said one of his concerns was that we pump water from Lake Ellsworth to Lake Lawtonka, and charge our people for that, and then we are going to release it downstream, and maybe he did not understand that. Ihler said there is no question that if we start at a lower level and get into the dry periods that this will cause us to turn the pumps on at a sooner time frame and cause us to pump more, no question about that. Mayor Powell said that bothered him from the standpoint that we should not have to be out the expense of pumping water from Ellsworth to Lawtonka and then sending it downstream, whereas we could better control it on the other lake and not be out the expense and charge our people for pumping from one lake to the other when we are going to release it, or potentially release it. Ihler said staff's position is that we would like to maximize our water supply; it is simply a matter that this is a requirement of the Oklahoma Water Resources Board to be able to meet that, what the engineers tell us is this is where we have to start at to meet it.

Smith said Ihler had already answered his question which was what the percentage of time was yearly that we run below the 1.7 already, and more than half the time we are already wasting 2 billion gallons of water. Shanklin said we do not want to lose it just because it could have been there, or do you. Smith said more than half the time it is not there. Shanklin said the word was "minuscule" and that he never heard the 10 days or 15 days; they stood right there and said minuscule, and get the tape if you do not believe it. Shanklin said if you call 2 billion gallons minuscule, that is fine.

Devine asked what happens if the City does not do this. Ihler said his understanding with the Water Resources Board is that you have to have a policy in place that passes pmf; we have just now discovered that the information put together by the previous engineers indicate that the information as we reviewed that shows that as we operate today we do not pass the probable maximum flood and therefore we do not comply with that today with our current operations.

Mayor Powell asked if we have a plan that has been accepted by the Water Resources Board or if we ever had one. Ihler said we have a plan that is accepted for Lake Ellsworth; we have a letter with regard to Lawtonka but not an approved plan that has been reviewed and approved by the Water Resources Board for Lawtonka.

Mayor Powell said there has been a lot of discussion and he was sure it would come back, and Baker has asked Ihler for a report and a response will be coming.

#### BUSINESS ITEMS:

34. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled C. Steve Wilson v. The City of Lawton, a municipal corporation, and Gilbert Schumpert, Case No. CIV-99-2104, in the United States District Court, Western District of Oklahoma, and if necessary, take appropriate action in open session. Exhibits: None.

35. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Police Union, IUPA, Local 24, and the

City of Lawton, and take appropriate action in open session. Exhibits: Letter of Request.

36. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss grievances filed by the International Association of Firefighters, Local 1882 (IAFF), relating to the following cases: FMCS Case No. 99-0628-13269-8, International Association of Firefighters, Local 1882, v. The County Election Board for Comanche County, Oklahoma and City of Lawton, Case No. CJ-99-1388, District Court of Comanche County, and Supreme Court Case No. 94213 in the Supreme Court of the State of Oklahoma, and if necessary, take appropriate action in open session. Exhibits: Grievances filed 1/28/2000.

37. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending investigation of the landfill, and if necessary, take appropriate action in open session. Exhibits: None.

ADDENDUM:

2. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss possible settlement of the City's claim associated with the case styled Delisa Nevaquaya vs. American Home Products, Case Numbers CJ-98-665 and CJ-98-666, District Court of Oklahoma County, and if necessary, take appropriate action in open session. Exhibits: None.

3. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled International Association of Firefighters, Local 1882, v. The County Election Board for Comanche County, Oklahoma and City of Lawton, Case No. CJ-99-1388, filed in the District Court of Comanche County, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent asked that Item 34 be stricken and not discussed in executive session.

MOVED by Smith, SECOND by Warren, to convene in executive session to discuss the items so listed on the agenda, except Item 34, as recommended by the legal staff. AYE: Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 7:40 p.m. and reconvened in regular, open session at approximately 8:20 p.m. with roll call reflecting all members present.

Mayor Powell said Item 34 was stricken and he asked the City Attorney to report on the remaining items.

Vincent said on Item 35, discussion was held concerning commencing negotiations for FY 2000-2001 between the police union, IUPA Local 24, and the City of Lawton. He recommended a motion be made that Gary Jackson and Cherese Bagwell from the City staff, and John Purcell, G. Wayne Smith and Glenn Devine be appointed as negotiators with the Council Members to sit as observers.

MOVED by Smith, SECOND by Purcell, that Gary Jackson and Cherese Bagwell from the City staff, and John Purcell, G. Wayne Smith and Glenn Devine be appointed as negotiators with the Council Members to sit as observers. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

Vincent reported on Item 36, as shown in the agenda item title, that discussion was held. He said no action is required but Tony Puckett will continue to represent the City under his current contract.

Vincent recommended Item 37 be tabled and the City Attorney will continue to look for an investigator.

MOVED by Smith, SECOND by Purcell, that Item 37 be tabled and the City Attorney will continue to look for an investigator. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED. Vincent read agenda item titles for Addendum Items 2 and 3 and stated executive session was held as shown on the agenda and no action was required on either item in open session.

There being no further business to consider, the meeting adjourned at 8:25 p.m. upon motion, second and roll call vote.